

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

WAYNE KAPLAN,

Plaintiff,

v.

Case No. 13-cv-14554  
Honorable Gershwin A. Drain

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

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**ORDER ACCEPTING AND ADOPTING REPORT AND RECOMMENDATION [#14],  
GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT [#11], AND  
DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT [#12]**

This matter is before the Court on the Parties' Cross-Motions for Summary Judgment as to Plaintiff Wayne Kaplan's claim for judicial review of Defendant Commissioner of Social Security's denial of a period of disability, Disability Insurance Benefits, and Supplemental Security Income benefits. The matter was referred to Magistrate Judge Charles E. Binder, who issued a Report and Recommendation on November 19, 2014, recommending that the Court grant Plaintiff's Motion for Summary Judgment; deny Defendant's Motion for Summary Judgment; and remand this matter to the Commissioner for further proceedings. *See* Dkt. No. 14. Neither party has filed objections to the Magistrate Judge's Report and Recommendation, and the time for filing objections has expired. *See* 28 U.S.C. § 636(b)(1)(C).

Upon review of the Parties' briefing and the Magistrate Judge's Report and Recommendation, the Court concludes that the Magistrate Judge reached the correct conclusion. Accordingly, the Court hereby **ACCEPTS** and **ADOPTS** Magistrate Judge Binder's November

19, 2014 Report and Recommendation [#14] as this Court's findings of fact and conclusions of law. Plaintiff's Motion for Summary Judgment [#11] is **GRANTED**. Defendant's Motion for Summary Judgment [#12] is **DENIED**.

This matter is remanded to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with Magistrate Judge Binder's Report and Recommendation.

SO ORDERED.

Dated: December 15, 2014

/s/ Gershwin A. Drain  
Hon. Gershwin A. Drain  
United States District Court Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on December 15, 2014.

s/A. Chubb  
AMANDA CHUBB  
Case Manager